

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES STRAIN,

Plaintiff,

No. CIV S-05-0474 GEB GGH P

vs.

CHIEF MEDICAL OFFICER  
R. SANDHAM, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed July 15, 2005, plaintiff's claims against two defendants were dismissed with leave to file an amended complaint within thirty days.<sup>1</sup> Plaintiff has not filed an amended complaint and the time for doing so has expired. The court now finds the complaint appropriate for service upon certain defendants, against whom the court has found plaintiff has made colorable claims.<sup>2</sup>

<sup>1</sup> Plaintiff was informed that failure to file an amended complaint would result in a recommendation that defendants Barton and Garbutt be dismissed from this action and that upon filing an amended complaint or expiration of the time allowed therefor, the court would make further orders for service of process upon some or all of the defendants.

<sup>2</sup> By concurrently filed Findings and Recommendations, the court now recommends dismissal of defendants Barton and Garbutt from this action.

1 The complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983  
2 and 28 U.S.C. § 1915A(b) as to defendants identified below. If the allegations of the complaint  
3 are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Service is appropriate for the following defendants: Drs. R. Sandham; S.  
6 Roche; Majakian; Roling; G. James; Phil Mangis; and Registered Nurse (RN) Masterson.

7 2. The Clerk of the Court shall send plaintiff seven (7) USM-285 forms, one  
8 summons, an instruction sheet and a copy of the complaint filed March 9, 2005.

9 3. Within thirty days from the date of this order, plaintiff shall complete the  
10 attached Notice of Submission of Documents and submit the following documents to the court:

11 a. The completed Notice of Submission of Documents;

12 b. One completed summons;

13 c. One completed USM-285 form for each defendant listed in number 1  
14 above; and

15 d. Eight (8) copies of the endorsed complaint filed March 9, 2005.

16 4. Plaintiff need not attempt service on defendants and need not request waiver of  
17 service. Upon receipt of the above-described documents, the court will direct the United States  
18 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4  
19 without payment of costs.

20 DATED: 10/12/05

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

21  
22  
23 GGH:009  
stra0474.1

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NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

\_\_\_\_\_/

Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_:

1 completed summons form

7 completed USM-285 forms

8 copies of the March 9, 2005  
Complaint

DATED:

\_\_\_\_\_  
Plaintiff